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UNIXED STATES PATENT AND TRADEMARK OFFICE UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov APR 2 8 2010 CONFIRMATION NO. FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE 39780-2830P1C41 9887 10/015,394 12/11/2001 Kevin P. Baker 04/20/2010 **EXAMINER** Ginger R Dreger BUNNER, BRIDGET E Heller Ehrman White & McAuliffe LLP 275 Middlefield Road ART UNIT PAPER NUMBER Menlo Park, CA 94025 1647

Please find below and/or attached an Office communication concerning this application or proceeding.

DELIVERY MODE

PAPER

MAIL DATE

04/20/2010

The time period for reply, if any, is set in the attached communication.

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| . - The MAILING DATE of this comm |

| Application No. | Applicant(s) | |
|-------------------|--------------|--|
| 10/015,394 | BAKER ET AL. | |
| Examiner | Art Unit | |
| Bridget E. Bunner | 1647 | |

IG DATE of this communication appears on the cover sheet with the correspondence address-

| Tihis application is abandoned in view of: | · |
|--|-----------------------------|
| Applicant's failure to timely file a proper reply to the Office letter mailed on (a) A reply was received on (with a Certificate of Mailing or Transmission dated), which is after period for reply (including a total extension of time of month(s)) which expired on | er the expiration of the |
| (b) A proposed reply was received on, but it does not constitute a proper reply under 37 CFR 1.113 | (a) to the final rejection. |
| (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment wh application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely Continued Examination (RCE) in compliance with 37 CFR 1.114). | |
| (c) A reply was received on but it does not constitute a proper reply, or a bona fide attempt at a prop final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below). | er reply, to the non- |
| (d) ☐ No reply has been received. | |
| 2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory from the mailing date of the Notice of Allowance (PTOL-85). | period of three months |
| (a) The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing), which is after the expiration of the statutory period for payment of the issue fee (and publication Allowance (PTOL-85). | |
| (b) The submitted fee of \$ is insufficient. A balance of \$ is due. | |
| The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), | is \$ |
| . (c) The issue fee and publication fee, if applicable, has not been received. | |
| 3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, to Allowability (PTO-37). | |
| (a) Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission date after the expiration of the period for reply. | ed), which is |
| (b) ☐ No corrected drawings have been received. | |
| 4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the e the applicants. | ntire interest, or all of |
| 5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capa 1.34(a)) upon the filing of a continuing application. | city under 37 CFR |
| 6. The decision by the Board of Patent Appeals and Interference rendered on 14 May 2007 and because the preview of the decision has expired and there are no allowed claims. | period for seeking court |
| 7. The reason(s) below: | |
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| | |
| • | |
| /Bridget E Bunner/ | |
| Primary Examiner, Art Unit 1647 | |
| Davis | |
| Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, sho minimize any negative effects on patent term. | uld be promptly filed to |
| U.S. Patent and Trademark Office PTOL-1432 (Rev. 04-01) Notice of Abandonment Part | of Paper No. 20100419 |